

Case 1:21-cv-00049-MAC-CLS Document 68 Filed 02/23/23 Page 1 of 2 PageID #: 363

EASTERN DISTRICT OF TEXAS

RASHARD RENFRO,

Plaintiff,

versus

BOBBY LUMPKIN, *et al.*,

Defendants.

CIVIL ACTION NO. 1:21-CV-49

ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Rashard Renfro, an inmate confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 against several defendants. The court previously referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that an amended motion to dismiss filed by defendants Lumpkin, Ogu and Joseph be granted. To date, the parties have not filed objections.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law contained in the Report and Recommendation are correct.¹

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#62) is **ADOPTED**. The amended motion to dismiss (#53) is **GRANTED**. The claims asserted against defendant Lumpkin in his official and

After the Report and Recommendation was submitted, plaintiff filed a response to the amended motion to dismiss. The court has considered the arguments asserted in the response. After such consideration, the court remains of the opinion the findings of fact and conclusions of law in the report of the magistrate judge are correct.

individual capacities for money damages, as well as the claims against defendants Ogu and Joseph in their individual and official capacities, are **DISMISSED**.

SIGNED at Beaumont, Texas, this 23rd day of February, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive style with a horizontal line underneath it.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE